



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,317	07/30/1999	REINER WAMSSER	10191/1145	9279
26646	7590	02/18/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			MASKULINSKI, MICHAEL C	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/364,317	WAMSSER ET AL.	
	Examiner	Art Unit	
	Michael C Maskulinski	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☒ Claim(s) 1-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Non-Final Office Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 11, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what controller is being referred to because claims 8 and 13 have a bus controller and a central controller.

Claim Objections

3. Claims 1, 8, and 13 are objected to because of the following informalities: SPS is an acronym that is not defined in the specification or in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Klein, U.S. Patent 6,279,125 B1.

Referring to claim 13:

- a. In Figure 1, Klein discloses a safety device for a stored-program control (CPU) coupling a computer bus system (CPU bus) with a peripheral bus system (peripher bus, ISA bus), a peripheral being connected to the peripheral bus system (video controller, network adapter, Keyboard controller, RTC, serial, parallel ports, ROM, Audio).
- b. In Figure 1, Klein discloses a central controller (system controller) for exchanging data with the stored-program control. In column 4, lines 1-10, Klein discloses an operating system with user applications running on it that are capable of accessing peripherals (the stored-program continually executing an SPS program on a real-time operating system, the stored-program control exchanging data, via the peripheral bus system, with a peripheral to be controlled). In Figure 2, Klein discloses a bridge controller (wherein a bus controller controls a data transport via the peripheral bus system).
- c. In Figure 2, Klein discloses an interface for receiving at least one control signal forwarded to the stored-program control via the central controller.

Referring to claim 14, in Figure 1, Klein discloses a circuit board for accommodating at least one of the controller and the interface.

Allowable Subject Matter

6. Claims 1-9 would be allowed if the above claim objections were overcome.

Art Unit: 2113

7. Claims 11 and 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. The following is an examiner's statement of reasons for allowance:

Referring to claims 1-7, the prior art does not teach or reasonably suggest a safety device for a stored-program control coupling a computer bus system with a peripheral bus system, a peripheral being connected to the peripheral bus system, comprising a memory for storing safety-relevant data of the stored-program control, the safety-relevant data being accessible by a controller.

Referring to claims 8, 9, 11, and 12, the prior art does not teach or reasonably suggest a monitor for monitoring a wake-up signal generated by the stored-program control and transmitted to the monitor by the central controller, wherein the monitor activates, as a function of the wake-up signal, a bus controller, which controls a data transport via the peripheral bus system.

Response to Arguments

9. Applicant's arguments with respect to claims 13-14 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments, with respect to claims 8, 9, 11, and 12 have been fully considered and are persuasive. The rejection of claims 8, 9, 11, and 12 under 35 U.S.C. 103(a) as being unpatentable over Poisner, U.S. Patent 6,012,154, and further in view of Kadnier, Windows NT 4 has been withdrawn.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM


ROBERT BEAUSOLIEL
PATENT EXAMINER
EBC CENTER 2100